

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KIMON WHERLEY,

§

Plaintiff,

§

V.

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**JOHN SCHELLSMIDT AND
UNJOO SUH SCHELLSMIDT
individually and d/b/a as AUDIO
DEPOT,**

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CIVIL ACTION NO: 3:12-CV-00242-D

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Defendant.

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DEFENDANTS' PROPOSED VOIR DIRE QUESTIONS

Defendants John Schellsmidt and Unjoo Suh Schellsmidt, individually and d/b/a Audio Depot, now submit the following proposed voir dire questions.

A. General inquiries

1. Is there anyone who assumes that just because someone has been sued, they must have done something wrong?
2. Is there any member of the jury panel who feels they are going to lean to one side or the other before the trial even starts?
3. Is there any member of the jury panel who feels that they will not be able to follow the letter of the law, rather than just vague notions of right and wrong?
4. Is there any member of the jury panel who, for any reason, will have a difficult time hearing and understanding the testimony at trial?
5. Is there any member of the jury panel that has a personal relationship with any of the parties or attorneys.
6. Whether any member of the jury panel has ever been a party to a lawsuit.

8. Has any member of the jury panel been told anything about any of the attorneys or parties in this lawsuit that would cause them to lean one way or the other before the trial begins.

B. Case-specific questions.

1. Whether any member of the jury panel has done business with or purchased products or services from Audio Depot.

a. If so, is there anything about that experience that would affect your ability to evaluate this case impartially.

2. Whether any member of the jury panel has ever been a party to a lawsuit.

- a. What was the nature of the lawsuit?
- b. What was your role in the lawsuit?
- c. What was the outcome of the lawsuit?
- d. When was it resolved?

3. Whether any member of the jury panel has been a party to a lawsuit involving a dispute with an employer, or has an immediate family member who has been a party to such a suit.

- a. What was the nature of the lawsuit?
- b. What was your role in the lawsuit?
- c. What was the outcome of the lawsuit?
- d. When was it resolved?

4. Whether any member of the jury panel has filed a claim for unpaid wages or overtime with any government agency, or has a family member who has done so.

- a. When did you make this claim?
- b. Where was it filed?

- c. How was it resolved?
- 5. Whether any member of the jury panel is or has been responsible for classifying workers as employees or independent contractors.
 - a. Where did you have such responsibility?
 - b. When did you have such responsibility?
 - c. What was the nature of your involvement in classifying workers?
- 6. Whether any member of the jury panel is or has been responsible for handling payroll for an employer.
 - a. Where did you have such responsibility?
 - b. When did you have such responsibility?
 - c. Did that work involve calculation of overtime?
 - d. Did that work involve classifying workers as independent contractor or employees?
- 7. Whether any member of the jury panel has or does perform services for anyone as an independent contractor, or has an immediate family member who does so.
 - a. What is the nature of your work?
 - b. How long have you been an independent contractor?
 - c. How did you come to be designated an independent contractor?
- 8. Whether any member of the jury panel has had any kind of dispute with an employer over pay, even if it was only an internal or informal complaint.
 - a. When did you have this dispute?
 - b. What was the nature of the dispute?
 - b. Was it internal, or filed with a government agency?
 - c. How was it resolved?

11. Whether any member of the jury panel believes that a person who uses profanity is untrustworthy, or who otherwise finds the use of profanity particularly offensive.

12. Whether any member of the jury panel regularly works more than five hours a week of overtime, or has an immediate family member who does so.

- a. How much overtime do you or your family member work?
- b. Are you an employee?
- c. Are you compensated for that overtime?

13. Whether any member of the jury panel is self-employed.

- a. What is the nature of your business?
- b. Do you utilize independent contractors?

14. Whether any member of the jury panel previously has served as a juror in a claim involving alleged unpaid wages or overtime.

- a. When did you serve on that jury?
- b. What was the nature of the dispute?
- c. What verdict did you reach?

15. Whether any member of the jury panel works or has worked within the industry of selling or installing home or automobile audio components.

- a. Who do or did you work for?
- b. What was the nature of the work you performed?
- c. Did that work bring you into contact with anyone from Audio Depot?
- d. Did that work bring you into contact with Kimon Wherley?

16. Whether any member of the jury panel could evaluate independently the issues presented in this case, or if they would tend to defer to the investigation conducted by the U.S. Department of Labor.

17. Whether any member of the jury panel would not be able, if the evidence and law supported it, to reach a decision contrary to that reached by the U.S. Department of Labor in this dispute.

Respectfully submitted,

/s/ R. S. Ghio
R.S. Ghio
State Bar No. 00787531
Law Office of R.S. Ghio, P.C.
The Curtis Building
318 West Main St., Ste. 100
Arlington, Texas 76010
Tel. 817-543-2557
Fax 817-277-2557

ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via the Court's ECF system on this 20th day of January, 2014 on the following counsel of record.

Barry S. Hersh
Hersh Law Firm, P.C.
3626 N. Hall St., Ste. 800
Dallas, Texas 75219-5133

/s/ R.S. Ghio
R.S. Ghio